SINGLE BENCH

(4) CF 3002

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH

AT BILASPUR

W. P. (C) No. 3639 /07

PETITIONERS : 1. Nishith Kumar Choubey S/o Shri Dashrath Lal Choubey aged about 56 years.

2. Sandhya Kumari d/o Shri Dashrath Lal Choubey, aged about 35 years,

3. Smt. Ramabai W/o ShriDashrath Lal Choubey, aged about 75 years, petitioner no. 2 & 3 through their General power of attorny holder NIshith Kumar Choubey.

All are R/o. Bajrangpur, Nawagaon Town, Tah. and Distt. Rajnandgaon. (C.G.)

P.N. No. 10662 Presented V.K. Sharma dated 6/12/07

Dedicated to Nawaan. 1/10/12

VERSUS

RESPONDENTS : 1. Vijay Laxmi W/o Narayan Prasad Tiwari, aged about 65 years, R/o Bajrangpur, Nawagaon Town, Tah. and Distt. Rajnandgaon. (C.G.)

2. Kamla Sharma W/o. Radheyshyam Sharma, aged about 63 years, R/o Brahman Para, Town, Tah. & Distt. Rajnandgaon (C.G.)

3. State of Chhattisgarh, Through : The Collector, Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.3639 of 2007

PETITIONERS:

1. Nishith Kumar Choubey
2. Sandhya Kumari
3. Smt. Ramabai (Died and deleted)

Versus

RESPONDENTS:

1. Vijay Laxmi
2. Kamla Sharma
3. State of Chhattisgarh

{Writ petition under Article 227 of the Constitution of India}

Present:

Mr. V.K. Sharma, counsel for the petitioners.

Mr. Vinod Kumar Tekam, Panel Lawyer for the State/respondent No.3.

Single Bench: Hon'ble Mr. T.P. Sharma, J

ORDER
(1-10-2012)

1. I.A.Nos.1, 2 & 3 for taking documents on record are allowed. Documents are taken on record.

2. By this petition, the petitioners have challenged legality and propriety of the orders dated 24-7-2003 & 13-1-2004 passed by the 2nd Civil Judge Class-II, Rajnandgaon in Civil Suit No.18A/2003, the order dated 20-9-2005 passed by the 1st Additional District Judge, Rajnandgaon in Misc. Civil Appeal No.5/2004 and the order dated 4-5-2005 passed by the Board of Revenue, Bilaspur (Circuit Court, Raipur) in Revenue Case No.24/A-12/2003-04.

3. I have heard learned counsel for the parties, perused the orders impugned and copies of other documents.

4. By aforesaid orders, the civil court has dismissed the application for grant of temporary injunction which has been affirmed by the appellate Court. The petitioners have filed this petition on 6-2-2007 and no interim order or direction has granted. During the pendency of this petition, petitioner No.3 Ramabai died and application for deleting her name has been filed as I.A.No.4. After nine years of first order passed by the civil court and seven years of the order passed by the appellate Court, I do not find any propriety in the present writ petition. I.A.No.4 for deleting the name of petitioner No.3 is allowed and necessary deletion be made during the course of the day in the Court itself. The petition stands disposed of. No order as to costs.

Sd/-
T.P. Sharma
Judge